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of the Alberta women's bureau

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a guide to probate procedure

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Edmonton, Alberta
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Telephone 403 427-2470

Revised August, 1979

a message from the director

I, John Doe, being of sound mind and body,
do hereby bequeath all my goods to Jane Doe.

So it goes in the movies. A central character usually scribbles a few last minute words onto a convenient piece of paper, and conveniently dies. In the next scene, the news of the inheritance (invariably a large one) is conveyed to the recipient who promptly receives a cheque, then begins living happily ever after.

That's the way wills and inheritances are handled in the movies, but what about real life? The characters portrayed on the silver screen never have to concern themselves with anything as mundane as administering an estate, probating a will, and distributing the proceeds to beneficiaries. Those chores are usually taken care of for them by unseen processes working at unbelievable speeds. However, there are many people who are, or will be, involved in settling an estate in the real world where those fictional resources are unavailable. It is for them that the Alberta Women's Bureau wrote **A Guide to Probate Procedure.**

We set out to write a comprehensive outline of the complex work involved in settling even a simple estate, primarily for use by two kinds of lay reader: the person designated in a will to administer an estate, and the prospective beneficiary of a will. The administratrix will find it sufficiently detailed to serve as a guide to wrapping up a relatively uncomplicated estate; we hope the prospective beneficiary will carefully read those same detailed instructions and learn how much patience is required to execute a will in the real world.

We also have another goal. If the administratrix receives guidance from our booklet, and the prospective beneficiary patience, we hope that **everyone** who reads it will be convinced of the need to give serious thought to preparing a will. As the booklet makes clear, an accurate and easily

understood will, prepared in a manner recognized by law, is the key to rapidly settling an estate. Yet relatively few people have wills. Why?

For most people the answer is simple: they have the mistaken idea that wills are only for the wealthy — that you must be a millionaire before troubling yourself with deciding who will get what, and recording those decisions in a suitable manner.

Unfortunately that attitude is prevalent, yet there's every likelihood it is wrong. The fact is that no matter how poor you may think you are, everyone who even briefly takes time to tally up the value of their property will be pleasantly surprised at the size of the estate. Do a quick mental check right now. What is your wardrobe worth? your furniture? your car? house? records? kitchen goods? The value of your estate will reach five figures in no time, and you've only started. You **do** have the substance to make writing a will imperative.

There are others who claim they don't need a will because they have no one in particular to leave their property to. Well, an estate doesn't have to be given to a person; it can be given to a charitable organization. For example, a society for crippled children could use the interest from a fund created by your bequest. Or a home for battered mothers with children. Or a symphony orchestra.

Everyone needs a will, because everyone has some property. Whether you leave it to an individual person, or to an organization, each can profit from your generosity, and — who knows? — might use it to live happily ever after. It's worth thinking about!

E. Phyllis Ellis
Director
Alberta Women's Bureau

table of contents

	page
Preface	5
Introduction	7
Duties of the Executrix	8
The Estate Inventory	12
Applying for Probate	18
Definitions	19
Appendix — Forms	23

preface

A Guide to Probate Procedure is a companion to the Alberta Women's Bureau publication **Wills and Estates for Albertans.** The **Guide** outlines how to carry out the wishes contained in the deceased person's will. It is intended to aid the person who has no formal legal training and who is named in a will to be the executrix of that will. The **Guide** assumes throughout that any feminine word (such as Executrix) applies automatically to the equivalent masculine term (Executor).

Although the **Guide** is written in non-technical language and contains completed examples of the documents named in the text, it is not intended to provide a solution to every problem that may arise, or to replace the services of professional legal counsel. The layperson may be able to complete all the stages of probating a small and uncomplicated estate, but a more complex estate will require legal counsel.

If you don't know the name of a lawyer who can assist you in fulfilling your duties as an executrix, place a toll free telephone call to the Law Society of Alberta's free Lawyer Referral Service:

Out-of-Calgary callers dial — 1-800-332-1110
Calgary callers dial — 263-5988

The staff will give you the name of a lawyer in your community who deals with wills and probate.

If you decide to probate the will without legal counsel, you'll probably want to buy and use the legal forms discussed in the **Guide.** Look in the yellow pages of the telephone directory under the term Office Supplies. Make telephone enquiries, or write, and you'll soon locate the specialty suppliers of legal forms. Remember, though: the suppliers just sell the forms; they can't help you fill them out.

Whether you decide to engage legal counsel or not, we're confident the **Guide to Probate Procedure** will be useful to you.

To help clarify the legal terms used in the text, a simple definition is given for these terms, in alphabetical order, commencing on page 19.

table of forms

I. **A Sample Application for Probate**

Appendix 1 — Application for Probate

Appendix 2 — Affidavit of the Executrix in Support of the Application for Probate

Appendix 3 — Estate Inventory and Valuation (Form 8)

Appendix 4 — The Shares of the Beneficiaries (Form 5)

Appendix 5 — Affidavit of Execution of Attesting Witness

Appendix 6 — Verification of the Will by the Executrix and Attesting Witnesses

II. **Forms Concerning Real Property**

Appendix 7 — Real Property Held in Joint Tenancy
Affidavit of the Surviving Joint Tenant in Support of the Application to have the Death of the Deceased Joint Tenant Registered on the Certrificate of Title

Appendix 8 — Real Property Not Held in Joint Tenancy
Application for Transmission of Title into the Name of the Executrix

Appendix 9 — Transfer of Land

III. **Forms Dealing with Shares and Bonds**

Appendix 10 — Transfer and Power of Attorney for Government of Canada Bonds

Appendix 11 — Declaration of Transmission for Shares

introduction

A will or holograph will contains a person's written instructions directing how her property is to be distributed after death. When the writer of a will or holograph will dies, it is desirable that all testamentary documents be brought before the court in the application for probate. The Executrix named in the will or holograph will must administer the estate according to the last wishes of the deceased and must fulfill the requirements of the law.

The steps involved in doing so are outlined below, and are followed by a number of completed examples of the documents named.

An Application for Probate is made by an Executrix named in a will to approve the will as the valid Last Will and Testament of the deceased person and to confirm the appointment of the person named in the will as Executrix.

Where a person has died without a will, an Application should be made by the next-of-kin closest in relationship to the deceased for Letters of Administration of the estate of the deceased person and the entitlement of the beneficiaries in this case is governed by the provisions of The **Intestate Succession Act** of the Province of Alberta.

If the Executrix named in the will or holograph will has predeceased the testatrix, or for some other reason does not wish to act in this capacity, another person may be appointed as administratrix with will annexed. The priority of those persons who may apply to be appointed as administratrix is provided in Appendix A. As this is a complicated procedure, you should consult a lawyer.

duties of the executrix

The following list of duties is not comprehensive, but it does deal with the more common situations an Executrix will encounter.

When acting as an Executrix you should be aware that in dealing with the estate, the rights of other individuals are affected. If you act improperly, you may be personally liable. Keeping this in mind you should not hesitate to obtain legal advice.

1. Obtain and hold the original copy of the will. Although what you may remove from a safety deposit box will depend on the policy of the bank involved, normally, as the appointed Executrix, you have the capacity to remove the entire contents of the safety deposit box. Make a detailed list of the contents of the box.

2. Prepare a list of the assets and debts of the deceased. One way of doing so is to study the personal papers. (More details on how to do this are contained in the next section.) Determine ownership of all assets. Include in the list only those assets owned by the deceased alone, or her proportionate interest in property as a tenant in common with **one** other person. (Don't include any property owned **jointly** with another person because it passes automatically to the survivor and is not affected by any directions in the will. The most common examples of this type of property are the family home and joint bank accounts.)

3. Apply for probate. (The procedure is described more fully in the section titled **Applying for Probate** — see Appendices 1 to 6.)

The following steps assume you have received grant of probate.

4. Notify each beneficiary of her share of the estate.
See Page18 , Point 8, regarding other special circumstances.

5. Arrange for the Post Office to redirect mail for the deceased to you.

6. Empty the safety deposit box if you have not already done so. Include its contents in the Estate Inventory. (More details on how to do so are given in the section titled **The Estate Inventory**.)

7. Cancel all charge accounts and subscriptions. Destroy all charge plates.

8. Advise the named beneficiary to apply to the deceased's life insurance company for application forms for life insurance benefits. These forms must be completed and submitted. If the estate is the beneficiary, it is the duty of the Executrix to apply to the insurance company.

9. Advise the beneficiaries to apply for Canada Pension Plan death and survivors' benefits and for any benefits payable under company pension plans and annuities.

10. Obtain any income tax refunds due the deceased by filing income tax returns.

11. Obtain any unpaid wages and employee benefits from the deceased's employer.

12. Advertise in the newspaper circulated in the area where the deceased usually lived for creditors and claimants, then obtain an Affidavit of Execution from the newspaper. This advertising is to protect the Executrix so that she is not personally liable should she overlook a creditor or claimant of the deceased. Prepare a list of the debts of the deceased. The debts may include funeral expenses, credit card bills, income tax, etc.

13. It is wise to search the general registry at the Land Titles Office for any creditors of the deceased. You should also check for unpaid taxes on the deceased's real property.

14. File a personal — T1 — income tax return for the deceased to the date of death (you have the later of six months from the date of death or April 30 of the following year to do so), and for any previous years for which no return was filed. Request an income tax clearance certificate from the Department of National Revenue. (Note: **The Income Tax Act** deems the deceased to have sold her assets on the date of death. However, there are special provisions dealing with certain transfers to spouses (called "roll-overs") which provide relief from capital gains tax. This is a complicated area. Special attention should be paid to the capital gains provisions of **The Income Tax Act**.) Enquiries can be made to:

Department of National Revenue

205 Eighth Avenue S.E.	9820 - 107 Street
CALGARY, Alberta	EDMONTON, Alberta
T2G 0L1	T5K 1E8
Phone: 265-8890	Phone: 425-3510

15. Obtain Succession Duty Releases for any bonds or stocks where the head office and place of transfer is in a succession duty province. Alberta has no succession duties.

Complete forms called Power of Attorney and Declaration of Transmission for bonds and stocks (Appendices 10, 11) if they are to be transferred. Send those forms along with Letters Probate and Succession Duty Releases, if needed, to the transfer agent who will issue new share or bond certificates in the beneficiaries' names.

If the bonds or stocks are to be sold, complete the Power of Attorney form and the Declarations of Transmission (the latter only as far as the name of the Executrix). Send the Declarations, Letters Probate and Succession Duty Releases, if needed, to the transfer agent, who will issue new certificates in the name of the Executrix. Send the new certificates and the Power of Attorney to a stock broker along with instructions to sell the securities.

16. Obtain the balances of all bank accounts. The law provides for situations where the survivors of the deceased require money to live on before the estate can be settled. When the estate's assets include a bank account that is not a joint bank account, the financial institution involved may advance a limited amount of funds for essential purposes such as the funeral costs or living expenses for the surviving spouse. The financial institution's officers will advise a claimant if any papers are required to obtain some money.

17. Open an estate bank account. Deposit all payments into it and make all disbursements from it by cheque. Where the estate assets produce income for accounting purposes, it is useful to have two bank accounts, one for the estate or capital moneys and the other for income moneys.

18. Sell any assets which must be sold or which you as Executrix choose to sell if the will gives you the power to do so. **The Devolution of Real Property Act** provides special rules for the sale of real property in an estate. In particular, real property cannot be sold without the consent of the beneficiaries or of the Public Trustee where any of the beneficiaries are infants, unless the property is being sold to pay debts. If you are considering dealing with the real property of the estate **in any way,** you should read this act carefully and if you are still uncertain, obtain legal advice.

19. Transfer any real property into the name of the beneficiary, or arrange for its sale.

20. Pay funeral expenses, income tax payable, and all other debts of the deceased. (If you as Executrix anticipate a delay in the issuance of Letters Probate, it is important to know that funeral expenses may be paid out of a bank account without court approval. The financial institution involved will advise you of the documentation required to release the funds.)

21. If you, as Executrix, must complete Succession Duty Releases to transfer stocks or bonds, you must file Succession Duty Returns with those provinces requiring the tax. Some provinces charge duties on transfers of assets to beneficiaries who are resident within their province. If the will directs you, as Executrix, to pay these duties, you must do so even though you did not need releases to transfer securities issued by companies incorporated in that province. You have no responsibility to file this Return if the will does not make you liable to pay all the succession duties which may be levied.

File the Returns with the Succession Duty Branch of the province.

22. Pay legacies.

23. Distribute household goods and personal effects as directed by the will, or arrange for their sale.

24. Decide on your fee as Executrix. The fee or compensation depends on the value of the estate and the complexity and time involved for administration. It must be approved by the residuary beneficiaries, or fixed by a judge of the Surrogate Court. Your fee as Executrix need not be charged. Pay the solicitor if you have retained one.

25. Prepare a statement of account showing all receipts and disbursements, and a schedule of proposed distribution among the residuary beneficiaries. Include your **proposed** fee or compensation as Executrix, if you plan to charge for these services.

26. Prepare Releases for the residuary beneficiaries. These documents release the Executrix from any further liability to the beneficiaries. Include a letter with each Release explaining that any residuary beneficiary who does not agree with the final accounts may apply to the Surrogate Court to have the accounts reveiwed. The letter should explain that if the residuary beneficiaries do not approve of your proposed compensation as Executrix, they have the right to request you to apply to the Surrogate Court to have the compensation determined. The residuary beneficiaries have the right to appear at this hearing or be represented by a solicitor.

Make the final distribution of the estate after all the residuary beneficiaries have signed the Releases.

Note: If there is any question about the estate having insufficient resources to pay everyone, observe this priority of payment and consider getting legal advice:

a) funeral, testamentary and administration expenses
(Your fee as Executrix, should you decide to charge a fee and provided it is approved by the court, would have this priority.)

b) the life interest of the surviving spouse who has Dower rights

c) secured creditors (such as a landlord)

d) preferred creditors (such as Revenue Canada - Taxation)

e) ordinary creditors (such as a charge account)

27. File a final T3 Income Tax Return for the estate if it earned income during the administration period. Request an Income Tax Clearance Certificate for this return. (You are unable to close the estate administration until receiving this Income Tax Clearance Certificate and the one relating to the T1 Return discussed previously — see Item 12.) Distribute the income to each residuary beneficiary according to their share of the estate.

the estate inventory

Here is a more detailed discussion of the second step referred to under the heading **Duties of the Executrix.**

The Estate Inventory is a statement of assets and liabilities. It must:

1) list all the property the deceased owned at the time of death
2) show its market value as at the date of death
3) list all the debts of the deceased.

List all assets and liabilities on Form 8, the Inventory and Valuation, which accompanies the Application for Probate (see Appendix 3).

Because no two people have the same assets, the following can serve only as a guide. It cannot include every type of asset which you may be called upon to deal.

Obtain all the following information:

Real Property

Provide the legal description and the municipal address of each piece of real property.

Determine the value of each piece of real property. You may need a qualified appraisal for tax purposes.

Determine the value of any mortgage or other encumbrance registered against the property. Check to see if the mortgage was insured against the death of the testator.

Obtain a Title Search of the property from the Land Titles Office to determine if there are any charges or encumbrances outstanding against the property.

Remember that by virtue of the provisions of **The Dower Act** the surviving spouse has a life interest in the home which was occupied by the deceased

owner consisting of not more than four adjoining lots in a city, town or village **or** not more than one quarter section of land not in a city, town or village. Where there is more than one home that satisfies this description, the surviving spouse must choose the property in which she wishes to have a life interest.

Land Titles Office

Southern Alberta Land
Registration District
P.O. Box 7575
J.J. Bowlen Building
620 Seventh Avenue S.W.
CALGARY, Alberta
T2P 0Y8

Phone: 261-6511

Northern Alberta Land
Registration District
P.O. Box 2380
10218A - 100 Street
EDMONTON, Alberta
T5J 2T3

Phone: 427-2742

The search will reveal the registered owner of the property and, if there is more than one owner, whether they are joint tenants or tenants in common.

If the owners were joint tenants, the property does **not** form part of the estate assets. The surviving joint tenant automatically becomes the sole owner of the whole property by right of survivorship. The property will formally be registered in the survivor's name after an application has been filed to have the death of the deceased joint tenant registered on the Certificate of Title (Appendix 7) with the Land Titles Office along with a Death Certificate and the duplicate Certificate of Title. (The duplicate Certificate of Title, which constitutes evidence of ownership, will be at the Land Titles Office if there is a mortgage on the property, or with the owner if there is no mortgage.)

If the owners were tenants in common, the property forms part of the estate assets. The Executrix must complete an Application for Transmission of Title into her name (Appendix 8), then a Transfer of Land (Appendix 9) to transfer it into the name of the beneficiary or purchaser. The procedure also requires Letters Probate and the duplicate Certificate of Title.

You will need to decide what to do with any charges outstanding against the property if it must be sold. (It is unlikely that anyone will purchase property with outstanding charges against it.)

Mines and Minerals

Record the legal description of the property.

Determine the value.

Obtain a Title Search from the Land Titles Office. (The addresses are given above.)

Determine who owns the property.

Mortgages and Agreements for Sale

Provide a legal description of each piece of property against which a mortgage or an agreement is registered.

Determine the outstanding principal balance owing when the deceased died.

Determine from the debtors if they wish to pay off the mortgage or the agreements for sale.

Record the interest rate.

Record the date of maturity.

Compute the interest accrued and payable but not yet paid from the date of the last interest payment to the date the deceased died.

Cash

Record how much cash is on hand.

A bank account that is held jointly by the deceased and another person, providing there is a right of survivorship, does **not** form part of the estate but passes directly to the surviving owner of the account.

With regard to all other bank accounts, determine:
- the name and address of each bank
- the type and number of each account
- the principal balance of each account when the deceased died
- the interest accrued and payable but not yet paid from the date of the last interest payment to the date the deceased died.

Advise the bank of the account holder's death.

Record the value of uncashed cheques.

Determine what unpaid wages are owing to the deceased.

Annuities

Determine amounts, if any, owing to the deceased from the following:
- Government of Canada Old Age Security Pension
- Province of Alberta income supplement plan
- Canada Pension Plan (including death benefits)
- company pension plans
- registered retirement savings plans
- deferred profit sharing plans.

Shares

Consult the deceased's stock broker when compiling a list of stocks and bonds for inclusion in the Estate Inventory. (Bonds are discussed in more on page 15.) If you can't locate the stock broker and require assistance in

dealing with stocks and bonds, dial your R.I.T.E. number and ask for the Alberta Securities Commission, or write to:

Alberta Securities Commission

202 J.J. Bowlen Building
620 Seventh Avenue S.W.
CALGARY, Alberta
T2P 0Y8
Phone: 261-6454

Tenth Floor, Capitol Square
10065 Jasper Avenue
EDMONTON, Alberta
T5J 3B1
Phone: 427-5201

Determine:

- the name of the company(ies) in which the deceased owned shares
- the number of shares
- the type of shares (common or preferred)
- the certificate number(s)
- the registered owner(s)
- where they may be transferred
  This means you must find the location of the company's transfer agent so that the transfer can be properly recorded in the register. A small Alberta company may only have one register located at its head office. A large federal company, with the head office in Ontario, may have several transfer agents in different provinces. If it has one in Alberta, you can have the transfer registered here and avoid any Ontario succession duty problems.
- the market value per share on the date the deceased died
- the total value of all shares.

Bonds

Determine:

- the name of the company or government with which the deceased held bond(s)
- the face value of the bond(s)
- the interest rate(s)
- the maturity date(s)
- the certificate number(s)
- how they are registered
- where they are transferable (see transfer agent explanation under Shares)
- whether they are fully registered or coupon bonds (if the latter, record the date of the next coupon)
- the value of any uncashed coupons dated prior to the death of the deceased
- the market value per $100.00 of face value
- the amount of interest accrued since the date of the last payment to the date the deceased died
- the total value — principal and interest — of all the bonds.

Personal Property

It is usually sufficient to record an approximate total value of the deceased's household goods, personal effects, jewellery, cars, boats, etc. Remember that if these items are owned jointly with another person, they do **not** become part of the estate. Furthermore, under **The Dower Act** there is a life interest in favor of the surviving spouse over any personal property of the deceased forming the part of the homestead the surviving spouse has chosen.

Farming Interests

Record the description and value of:

— machinery
— cattle and other farm animals
— grain and other produce.

Learn if there are any accounts receivable.

If you are having trouble with any aspect of including farm interests in the Estate Inventory or other aspects of Estate Planning, dial your R.I.T.E. number and ask to speak to the nearest District Agriculturist, Regional Farm Economist or the staff of the Farm Business Management Branch, or write to:

Farm Business Management Branch
Provincial Building, Second Floor
5030 - 50th Street
Box 2000
OLDS, Alberta
T0M 1P0
Telephone: 556-8421

The staff of this branch will give you the names and addresses of district agriculturists, or will offer any advice they can with the problem at hand.

Business Interests

Record:

— a description and the value of stock in trade
— liabilities
— accounts receivable.

Other Property

Record the value of property not included elsewhere, such as:

1) interests in trusts or estates
2) oil royalty trust certificates.

Life Insurance

Record:

— the name and address of the company
— the policy number
— the face value of the policy
— dividends payable
— the existence and value of any loans outstanding against the policy.

Determine whether the policy is payable to the estate or to a named beneficiary. Life insurance policies payable to a named beneficiary do not form part of the estate and require no probate before payment.

Notify the company of the policy holder's death.

Determining Estate Liabilities

Prepare a statement of the known debts of the deceased, showing:

— to whom each debt is payable
— the amounts owing.

If the debt is questionable, obtain legal advice.

applying for probate

Here is a more detailed discussion of the third step referred to under the heading **Duties of the Executrix.**

1. Prepare Application for Probate (see Appendix 1).

2. Prepare Affidavit of Executrix (see Appendix 2).

3. Prepare Form 5, Schedule A (see Appendix 4), showing:
— the name and address of each beneficiary
— the age and relationship to the deceased of each beneficiary
— the property passing to each beneficiary and its value.

4. Prepare Affidavit of Attesting Witness to Will (see Appendix 5).

5. Mark "Original Will" on the back of the page signed by the deceased.

6. Include the original will in the Application for Probate. If you are not personally delivering the parcel to the Surrogate Court, be sure to send it by "Registered" mail.

7. Apply for probate to the Surrogate Court in the Judicial District in which the deceased resided at the time of death. If you don't know how to do so, telephone your R.I.T.E. number and ask the operator to transfer your call to the nearest Surrogate Court. It is generally expected that legacies will be distributed within one year of the granting of probate.

8. If any beneficiary is under 18 years of age or a mentally incompetent person, or if the deceased is survived by a child under 18 years of age or a mentally incompetent person (even though they are not named as a beneficiary), a copy of the Application for Probate must be forwarded to the Office of the Public Trustee. The copy must be accompanied by a $3.00 examination fee. The Public Trustee will then inform the Court if he intends to appear on the application on behalf of the child or mentally incompetent person.

If Alberta residents are involved, you can contact the Office of the Public Trustee by dialing your R.I.T.E. number, or by writing to:

Office of the Public Trustee

201 J.J. Bowlen Building
620 Seventh Avenue S.W.
CALGARY, Alberta
T2P 0Y8

Phone: 261-6541

200 Chancery Hall
3 Sir Winston Churchill Square
98 Street and 102A Avenue
EDMONTON, Alberta
T5J 2C4

Phone: 427-2744

9. You must also serve a copy of the application on the deceased's spouse **and** any child of the deceased over 18 years of age who is physically unable to earn a livelihood. Previous spouses of the deceased also have some rights by virture of **The Matrimonial Property Act** so you should check this act to see if they must be served with notice of the application.

10. The Surrogate Court may require an Executrix who is not a resident of Alberta to post a bond as security to ensure that her duties are carried out properly. The amount of bond required will depend on the value of the estate, which usually pays the premium. Bonding companies are listed in the yellow pages of the telephone directory.

11. Where the value of the Estate does not exceed $1,000, the Executrix should approach the Clerk of the Surrogate Court as there should be a reduced fee on the Application for Probate as well as variations in procedure.

definitions

Affidavit of Attesting Witness to Will (Appendix 5)

A person who saw the deceased sign the will, and who also signed it, prepares an Affidavit of Attesting Witness to Will swearing that she saw the deceased sign the will, that the deceased was capable of so signing, that all the formalities were observed, and that the document now before the witness and about to be probated is the same document as the one she and the deceased signed. The witness prepares the affidavit voluntarily and confirms it by an oath before an officer having authority to administer such an oath.

Affidavit of Executrix (Appendix 2)

A statement sworn by the Executrix confirming that she is the person who is applying to have the will proved and to be appointed Executrix of the estate.

Affidavit of Publication

A statement swearing that a Notice to Creditors and Claimants was published in a certain newspaper at a certain time and place.

Application for Probate (Appendix 1)

A request made to the Surrogate Court to have it determine a will's authenticity.

Beneficiary

Someone who receives a legacy specified in a will.

Bond

The Surrogate Court may require an Executrix, not a resident within the province in which the deceased resided, to pledge money (usually double the value of the estate) as security for her good intentions. In return for a premium, a bonding company guarantees to make good any deficit in the estate accounts incurred by reason of any wrongdoing on the part of the Executrix.

Claimant

A person who claims a right to receive some benefit from the estate of the deceased.

Codicil

Something added to a will to change it.

Commissioner for Oaths

The Department of the Attorney-General authorizes some people to take affirmations that statements made in affidavits are true. The deponent (the person swearing the affidavit) swears as to the truth of the affidavit before a Commissioner for Oaths who signs the affidavit acknowledging that the deponent has so sworn. All lawyers, most bank managers, senior employees of trust and mortgage companies and some insurance agents are Commissioners for Oaths.

Creditor

A person to whom the deceased was indebted and who has the right to enforce payment from the estate assets.

Declaration of Transmission (Appendix 11)

The sworn declaration of the Executrix whereby stocks and bonds held by the deceased are passed into the Executrix' name to be sold or transferred to a beneficiary.

Encumbrance

Any right to, or interest in, land (such as a mortgage or unpaid taxes) which will lessen the value of the land.

Estate

The real and personal property the deceased owned at the time of death.

Executrix

The person who is responsible for

a) collecting the assets of the estate
b) paying the debts of the estate
c) distributing the estate according to the provisions of the will or holograph will.

This person is also a trustee under **The Trustee Act** and is subject to all the obligations and liabilities provided for in that act.

Holograph Will

This is another type of will which is valid in Alberta. It is made wholly by the deceased in her own handwriting and signature, without formality and without the presence, attestation or signature of witnesses.

Income Tax Clearance Certificate

After approving a T1 Return, the Department of National Revenue will issue an Income Tax Clearance Certificate acknowledging payment of all taxes the deceased owed to the date of death.

Then, after approving a T3 Return, the Department will issue another Income Tax Clearance Certificate acknowledging payment of all income tax owed by the estate of the deceased from the time of death.

Legacy

A disposition of personal property or money made under a specific directive contained in a will.

Letters Probate (Appendix 1)

The document wherein the Surrogate Court approves the last will of the deceased person as valid, and confirms the appointment of the person named in the will as Executrix.

Power of Attorney (Appendix 10)

A document whereby one person authorizes another to act as her agent to perform certain duties such as the sale of assets.

Probate

See Letters Probate.

Release

After receiving all benefits due under a will, a beneficiary signs a Form of Release freeing the Executrix from further liability.

Residuary Beneficiary

A person who partakes of what remains of an estate after all liabilities, fees, legacies and other obligations have been paid.

R.I.T.E. (Regional Information Telephone Enquiry) Number

Although not a legal term, we refer to the R.I.T.E. number several times in the **Guide.** The R.I.T.E. number is a local telephone number you may call to speak to any Alberta government department free of charge, no matter where you live in the province. Your community's R.I.T.E. number is listed in the white pages of the telephone directory under the heading Government of Alberta. After you dial that number, explain to the operator the nature of your problem. The operator will transfer your call and stay on the line until your call has reached the appropriate person who can assist you.

Succession Duty Release

A certificate acknowledging that succession duty has been paid on a particular asset, or that none is payable. The asset cannot be transferred without the certificate.

This is only necessary when the asset must be transmitted in a succession duty province.

Succession Duty Returns

A declaration by the Executrix of all the estate's assets upon which a province may tax a gift of property passing on the death of any person by transfer to another.

Surrogate Court

The court with jurisdiction over probate and the proving of wills.

Testatrix

The person who made the will.

Title Search

An examination of Land Titles Office records to determine whether there are mortgages, judgements, tax liens, or other encumbrances on a title to land.

Will

A document in which a person records her wishes concerning the disposition of her property after death. There are formal requirements of a will. It must be in writing, it must be signed by the testator in the presence of at least two attesting witnesses, and these witnesses must sign the will in the presence of the deceased.

APPENDIX A

THE SURROGATE RULES

under

THE SURROGATE COURTS ACT

APPLICATIONS FOR PROBATE OR ADMINISTRATION

Priority if testate

1. Where the deceased died leaving a will, the priority of right to a grant of probate or administration with will annexed shall be, subject to the discretion of the Court, as follows:

1. Executors;
2. Residuary legatees or devisees in trust;
3. Residuary legatees or devisees for life;
4. Ultimate residuary legatees or devisees or, where the residue is not wholly disposed of, the persons entitled upon an intestacy (but this does not include the Crown);
5. The legal personal representatives of persons indicated in 4;
6. Legatees or devisees, or creditors;
7. Contingent residuary legatees or devisees, or contingent legatees or divisees, or persons, having no interest in the estate, who would have been entitled to a grant had the deceased died wholly intestate;
8. The Crown.

Priority if intestate

2. Where the deceased died wholly intestate, the priority of right to a grant of administration shall be, subject to the discretion of the court, as follows:

1. Husband or wife;
2. Children;
3. Grandchildren, or other issue of deceased taking per stirpes;
4. Father and mother;
5. Brothers and sisters of the whole blood, or the issue of deceased brothers and sisters of the whole blood, taking per stirpes;
6. Brothers and sisters of the half blood, or the issue of deceased brothers and sisters of the half blood, taking per stirpes;
7. Grandparents;

APPENDIX 1

FORM No. 21-487—Application for Probate

for Probate of Will (original)
(by copy)
Revoking

(1) Re sealing

FORM 1

Application for(1) Probate

(a) Describe deceased by his full name and if known otherwise, the full name shall be followed by such other names, as he was otherwise known.

IN THE SURROGATE COURT OF ALBERTA
JUDICIAL DISTRICT OF
IN THE ESTATE OF (a) John Allan Smith

late of the City of Edmonton in the Province of Alberta,

(b) Insert occupation of deceased.

(b) retired clerk , deceased.

(c) All names in full of Applicant.

I, (c) Alice May Smith

(d) Place of abode of Applicant.

of the (d) City of Edmonton in the Province of Alberta,

(e) Here state occupation and status of the applicant e.g. executor of the will or as the case may be

(e) housewife, Executrix of the will of John Allan Smith

hereby pray for a Grant of Probate of the Will (with codicils, if any) of the deceased.

DATED at Edmonton in the Province of Alberta,
this Tenth day of August A.D. 1976.

"Alice May Smith"
(Applicant's Signature)

ADDRESS: 12345 - 67 Street
Edmonton, Alberta

THIS APPLICATION IS FILED BY THE APPLICANT
(Solicitor for Applicant)

~~ADDRESS:~~

FIAT:

Let Probate issue as prayed.

Judge of the Surrogate Court

DATED at Edmonton
this Twentieth day of August in the Province of Alberta,
A.D. 1976.

APPENDIX 2

FORM No. 450-6143 — Affidavit on Application for Probate — Page 1

FORM 2

Affidavit on Application for Probate

IN THE SURROGATE COURT OF ALBERTA

JUDICIAL DISTRICT OF Edmonton

IN THE ESTATE OF John Allan Smith , deceased

(a) "I" or "We."
(b) Name or names of executors in full.
(c) Place or places of abode.
(d) Occupation.
(e) Describe deceased by his full name and if known otherwise, the full name shall be followed by such other name or names as he was otherwise known.
(f) Occupation of deceased.
(g) His or Her.
(h) If his residence was outside Alberta, add "but had at such time property in the Judicial District of in the Province of Alberta."
(i) List names, ages and addresses respectively of the husband, widow and children and whether the husband, widow or any child who is 18 years of age or over is mentally or physically disabled and by reason thereof is unable to earn a livelihood and the name of any committee appointed for the estate of any disabled husband, widow or child.
(j) "He" or "she."
(k) "and codicils if any."
(l) "My" or "our."
(m) "Me" or "us."
(n) Name of parties.

(a) I , (b) Alice May Smith

of (c) the City of Edmonton (d) housewife , make oath and say

1. THAT (e) John Allan Smith , late of the City of Edmonton in the Province of Alberta (f) retired clerk, died on or about the Seventh day of July 1976, at Edmonton, Alberta and at the time of (g) his death had (g) his residence at Edmonton in the Judicial District of Edmonton (h)

2. THAT the deceased at the time of (g) his death was (married, ~~unmarried, widower, widow or divorced~~) and left (g) him surviving (~~lawful husband or~~ widow and children).
(i) his widow Alice May Smith of 12345 - 67 Street, Edmonton (age 55)
his son Sydney George Smith of 847 Princess Street, Port Alberni, British Columbia (age 26)
and his daughter Susan Francis Black of 98765 - 43 Avenue, Edmonton Alberta (a
and none of whom is physically or mentally disabled and by reason thereof unable to earn a livelihood.
~~(if any person interested in the estate and is a missing person or convict as defined by the provisions of the Public Trustee Act such particulars as may be known to the applicant shall be set out)~~
and resided during the six years immediately preceding (q) his death at th
following places:
Edmonton, Alberta.

3. THAT the fair market value of the whole property of the deceased which (j) he in any way died possessed of or entitled to, and for and in respect to which Probate of the Will (k) is to be granted is under $ 84,351.00

and that full particulars and a true appraisal of all the property are set out herein.

4. THAT (a) I believe the document(s) annexed and now marked by (m) me with (l) my signature(s) to contain the true and original last Will (k) of the deceased and to have been in the custody of the following person(s) since the time of its execution, (n) the deceased John Allan Smith

APPENDIX 2 (continued)

FORM No. 21-098—Affidavit on Application for Probate—Page 1.

5. THAT the deceased at the time of the execution of (g) his Will (k) was of the full age of sixty-seven years (o) and that subsequent to the execution of (g) his Will the deceased did not marry;

6. THAT (q) I am of the full age of 18 years.

7. THAT (r) I am the lawful widow of the deceased and the Executrix named in the will. ~~named.~~

8. THAT (a) I will faithfully administer the property of the deceased by paying (g) his just debts, all taxes and duties payable in respect of the estate and the legacies contained in (g) his Will (k) so far as it will thereunto extend and the law bind (m) me and distribute the residue if any of the estate according to law; and that (a) I will exhibit under oath a true Inventory of all the property of the deceased and render a full account of (l) my executorship whenever required by law to do so.

9. THAT neither Mark Phillips nor Paul Mason the witnesses to the annexed will, is a beneficiary, nor the spouse of a beneficiary named in such Will(s).

10. THAT the Beneficiaries entitled to share in the estate are set forth in Schedule "A" hereto annexed.

11. THAT (a) I will surrender to this Court the grant to be issued to (m) me whenever required by the Court or a Judge thereof.

12. THAT to the best of (l) my knowledge, information and belief no other application has been made for a grant of Probate of the Will of the deceased or of Letters of Administration.

(o) If under 18 show qualifying factor SEE Rule 6 (a)

(q) "I am" or "Each of us is."

(r) I am the executor or one of the executors named or executor during life, executrix during widowhood, or as the case may be and state relationship if stated in the Will or Codicil.

(a) Or contrary as the case may be

APPENDIX 3

FORM 21-906 — FORM 8 — Page 1

THE INVENTORY AND VALUATION ABOVE REFERRED TO:

No. OF PARCEL	REAL ESTATE (Including Leasehold Interests) Give Description and Market Value including Improvements less encumbrances.	(1) MARKET VALUE	(2) TOTAL ENCUMBRANCES	NET
1	Lot 7, Block 29, Plan 7490 KL, being 12345 - 67 Street, Edmonton, Alberta	45,000 00	---	45,000

No. OF PARCEL	MORTGAGES AND ENCUMBRANCES ON REAL ESTATE LISTED ABOVE	PRINCIPAL	INTEREST	TOTAL (enter in Column 2 above)
	NIL			

No. OF PARCEL	MINES AND MINERALS (Give particulars of Mines and Minerals unless included under real estate listed above	VALUE
	NIL	

MONEYS SECURED BY MORTGAGE OR BY AGREEMENT FOR SALE

NAME OF MORTGAGOR OR PURCHASER	Description of Land or Property Secured and Nature of Charge	PRINCIPAL	INTEREST	TOTAL
	NIL			

APPENDIX 3 (continued)

FORM 8 — Page 2

CASH

Including Bank Accounts, Term and Saving Deposits, Guaranteed Investment Certificates and all items immediately convertible to cash.

Where Situate and Type of Investment	PRINCIPAL	INTEREST	TOTAL
Bank of Nova Scotia, Main Branch, Edmonton, Alberta			
Chequing Account No. 567	2,000 00	--	2,000 00
Savings Account No. 2098-876	10,000 00	200 00	10,200 00

LIFE INSURANCE (PAYABLE TO ESTATE)

Name, Address of Company	FACE VALUE	ADD ACCUMULATED DIVIDENDS OR INTEREST	LESS LOANS	VALUE
Dominion Life Company Toronto, Ontario	5,000 00	100 00	--	5,100 00

ANNUITIES OR OTHER INTERESTS

Give particulars of all Annuities, Pension Benefits, Savings Plans, etc. purchased by deceased or others including benefits from other estates which remain or are payable to estate

Type of Annuity, Pension or other interest and description thereof	PRINCIPAL	INTEREST	VALUE
Government of Canada - old age security	300 00	--	300 00
Canada Pension Plan - death benefit	700 00	--	700 00

APPENDIX 3 (continued)

STOCKS, SHARES, BONDS AND DEBENTURES

Name of Company or Government	Type, Description and Unit Value	NUMBER HELD	SITUS	MARKET VALUE
Government of Canada	Savings Bonds S30 A109877-8 (2 X $10,000.00) 9% 1-11-89 Accrued interest $500.00 Registered name of John A. Smith	two	Alberta	20,500 00
Alberta Gas Trunk	Class A, common, Cert. # 456 (1 X 100) registered name of John Smith Value $13.00 per share	one hundred	Alberta	1,300 00

PERSONAL PROPERTY Include Personal Effects, Household Goods and Furniture, listing and giving a description thereof if value appears significant	VALUE
Household goods and personal effects	500 00
1974 Ford car	1,000 00

FARMING INTERESTS

Give description and value of Machinery, Cattle and other farm animals and produce, as at date of death. (Omit this sheet if not required)	VALUE
NIL	

BUSINESS INTERESTS

Give brief Inventory and Statement of stock in trade and liabilities if deceased interested in sole proprietorship or partnership. (Omit this sheet if not required)	VALUE
NIL	

FORM 8—Page 4

OTHER PROPERTY NOT INCLUDED ABOVE	VALUE
NIL	

AGGREGATE VALUE OF ESTATE $ 86,600.00

SCHEDULE OF DEBTS (Other than Mortgages or Encumbrances on Real Estate)	PRINCIPAL	INTEREST	TOTAL
Funeral Home	1,200 00	--	1,200 00
Alberta Government Telephones	10 00	--	10 00
Pacific 66	40 00	--	40 00

TOTAL DEBTS $ 1,250.00

NET VALUE OF ESTATE $ 85,350.00

SWORN before me at the City
of Edmonton
in the Province of Alberta
this Tenth day of August
A.D. 19 76

"Alice May Smith"

"James Commissioner"
A Commissioner for Oaths in and for the
Province of Alberta

NOTE — This is the last page of all oaths, whether Probate, Administration or Guardianship

APPENDIX 4

FORM No. 452-6547—Schedule "A" (6/85)

FORM 5

Schedule "A"

IN THE SURROGATE COURT OF ALBERTA

JUDICIAL DISTRICT OF Edmonton

IN THE Estate of John Allan Smith Deceased,

late of the City of Edmonton in the Province of Alberta.

NAME OF BENEFICIARY	AGE* IF UNDER 18	RELATIONSHIP	POST OFFICE OR RESIDENCE ADDRESS	PROPERTY PASSING	
St. Pauls Church	n/a	charity	Edmonton, Alberta	legacy	$ 200.00
Sidney George SMITH	full	son	847 Princess St. Port Alberni, B.C.	legacy	$5,000.00
Susan Frances BLACK	full	daughter	98765-43 Avenue Edmonton, Alberta	legacy	$5,000.00
Alice May SMITH	full	widow	12345-67 Street Edmonton, Alberta	residue	

This is Schedule "A" referred to in the Affidavit of Alice May Smith

SWORN before me at Edmonton in the Province of Alberta, this Tenth

day of August , A.D. 19 76.

"James Commissioner"

A Commissioner for Oaths in and for the Province of Alberta.

*Give age at death of deceased.

FORM No. 453-0232 — Affidavit of Execution of Will or Codicil (700)

FORM 11

Affidavit of Execution of Will or Codicil

IN THE SURROGATE COURT OF ALBERTA
JUDICIAL DISTRICT OF Edmonton
IN THE ESTATE OF John Allan Smith deceased.

I, Mark Phillips

of the City of Edmonton in the Province of Alberta (i) teacher, make oath and say:

1. That I knew John Allan Smith late of the City of Edmonton in the Province of Alberta (h) retired clerk, deceased, (a)

2. That on or about the Second day of May 19 70, I was personally present and did see the paper writing hereunto annexed and marked as "Exhibit A" to this affidavit, executed by the testat or, as the same now appears, as and for (b) his last will and testament, by signing (b) his name (c) at the foot or end thereof and that at the time of the execution of the said will (d) the testat or was of the full age of 18 years and, in my opinion, the testat or was of sound mind, memory and understanding at the time of execution of the will (d)

2A. That on or about the day of 19, I was personally present and did see the paper writing hereto annexed and marked as "Exhibit A" to this affidavit, executed by the testat, as the same now appears, as and for (b) last will and testament, by signing the name of the testat to the said will at the foot or end thereof, at the request of and in the presence of the testat, who was physically unable to sign (b) . name or make (b) mark and that at the time of the execution of the said will (d) the testat was of the full age of 18 years and, in my opinion, the testat was of sound mind, and understanding at the time of execution of the will (d) "

3. That the said will (d) was so executed by the said testat or in the presence of myself and of Paul Mason of the City of Edmonton in the Province of Alberta (i) doctor, who were both present at the same time; whereupon the said Paul Mason and I did; in the presence of the testat or, and of each other, attest and subscribe the said will (d) as witnesses.

(If the deceased was a marksman or blind, add:)

4. That previously to the execution of the said will by the testat the same was read over to (j) by me (or by in my presence), and the testat at such time appeared to have a knowledge of its contents and appeared perfectly to understand the same.

5. That the paper writing hereunto annexed and marked by me with my signature, bearing date the Second day of May 1970, purporting to be (e) the last will of the said John Allan Smith deceased, has been viewed and perused by me and I have particularly observed that (f)

and I say that the said will (d) is now in all respects in the same state, plight and condition as when it was signed by the said deceased and the said witnesses (g)

SWORN before me at the City of Edmonton in the Province of Alberta this Third day of August A.D. 19 76.

"Mark Phillips"

"James Commissioner"

A Commissioner for Oaths in and for the Province of Alberta.

(i) If description of testator differs in the Will insert formerly of the of in the Province of

(h) His or Her

(c) Or making his mark as the case may be

(d) Or Codicil or Codicils

NOTE. If the will was signed by a third party for and on behalf of the testator at his request paragraph 2A should be used

(a) Or a Codicil to

(f) Here recite the various alterations, erasures and interlineations, if any, and the general plight and condition of the Will or any other matter requiring to be accounted for

(g) Or as the case may be

(b) Occupation of deceased

(j) Occupation

(j) Him or Her

NOTE. Paragraph 5 is generally required only in cases where erasures or irregularities appear on the face of the will or codicil or where the date of execution has been omitted

APPENDIX 6

THIS IS THE PAPER WRITING REFERRED
TO IN THE AFFIDAVIT OF ALICE MAY SMITH

"Alice May Smith"

"James Commissioner"

COMMISSIONER FOR OATHS

THIS IS EXHIBIT "A" REFERRED TO IN THE
AFFIDAVIT OF MARK PHILLIPS SWORN BEFORE
ME THIS THIRD DAY OF AUGUST, A.D., 1976

"James Commissioner"

COMMISSIONER FOR OATHS

"Mark Phillips"

WITNESS

JUDGE OF THE SURROGATE COURT

APPENDIX 7

CANADA)
)
PROVINCE OF ALBERTA)
)
TO WIT:)

IN THE MATTER OF THE LAND TITLES ACT

A F F I D A V I T

I, Joan Black, of the City of Edmonton, in the Province of Alberta, Widow, MAKE OATH AND SAY:

1. That my husband, Sam Black, died at Edmonton on the Twenty-ninth day of November, A.D., 1974.

2. That at the time of his death the said Sam Black and I, as joint tenants, owned:

Lot Twelve (12), in Block One (1), in the City of Edmonton aforesaid, as shown on Subdivision Plan XXII.
Excepting thereout:
(A) The Southerly Ten (10) feet thereof out of Lot Twelve (12).
Reserving thereout all Mines and Minerals.

3. That the said Sam Black named in the Certificate of Title covering the said lands is one and the same as the Sam Black described in the Certificate of Death attached hereto and marked as Exhibit "A" to this my Affidavit.

4. That I make this Affidavit in support of an application to the Registrar to record the proof of death of the said Sam Black on the title to the said lands.

SWORN before me at Edmonton,)
in the Province of Alberta)
this Tenth day of January,) "Joan Black"
A.D. 1975.)
)
"James Commissioner")
)
A Commissioner for Oaths in and)
for the Province of Alberta.

APPENDIX 8

IN THE MATTER OF THE ESTATE OF
MAX GREEN, OF EDMONTON, IN THE
PROVINCE OF ALBERTA, DECEASED.

APPLICATION FOR TRANSMISSION

To the Registrar of the Northern Alberta Land Registration District:

I, Susan Green, of 11111 - 11 Street, Edmonton, Alberta, Executrix of the estate of Max Green, of Edmonton, Alberta, deceased, hereby apply to have myself registered as owner in my capacity as Executrix, in the place and stead of the said Max Green, of the following:

Lot One (1), in Block Two (2) in the City of Edmonton in the Province of Alberta as shown on Plan Three (3).
Reserving thereout all mines and minerals.

In support of this application I produce herewith:

1. Certified copy of Probate.
2. Duplicate Certificate of Title covering the said lands.

Dated at the City of Edmonton, in the Province of Alberta, this Second day of February, A.D.., 1976.

"Susan Green"

_____

Executrix

FORM No. 450-2944 — Transfer of Land (Sheet 1 of 2) (386)

THE LAND TITLES ACT

C. 198, R.S.A. 1970

TRANSFER OF LAND

Form 11 (Section 68)

t full
address
ccupation
nsferor).

I,

"EXECUTRIX"

being registered owner of an estate in fee simple, subject, however, to such encumbrances, liens, and interests as are notified by memorandum underwritten, in all that certain tract of land situate in the Province of Alberta, being composed of

tribe as in
f possible.
68.)

"LEGAL DESCRIPTION"

do hereby in consideration of the sum of

($) Dollars

paid to me (us, it) by the transferee(s) hereunder,

the receipt of which sum hereby acknowledge (,) transfer to the said transferee(s),

t full
address
ccupation
nsferee).

"BENEFICIARY"

all estate and interest in the said piece of land

IN WITNESS WHEREOF

ha hereunto subscribed (affixed) my (our, its)

, they, or
mpany).

name(s) (and corporate seal by its proper officers) this day of A.D. 19 .

SIGNED by the said)

in the presence of)

"Executrix"

(Witness Sign here)

(Transferor Sign here)

APPENDIX 10

FORM 533 5000M -2-59

GOVERNMENT OF CANADA

BOND NO(S).	MATURITY	REGISTRATION	PAR VALUE $
12345	1-11-86	John Doe	1,000.00

Know all men by these presents that I/We Margaret Doe, Executrix of the estate of John Doe
TYPE OR PRINT NAME

for value received, do hereby assign and transfer unto "Beneficiary"

*of Beneficiary's exact postal address

all right, title and interest in the bond(s) described above absolutely and the Bank of Canada is hereby authorized to make such entries in the books of registration as are required to give effect to such transfer.

Dated at Edmonton this Ninth day of January 19 76

**Signature of Transferor is hereby guaranteed

"Margaret Doe"
Signature of Transferor

---

* The exact post office address must be written on this line.
**Signature of the registered owner must be guaranteed by a Canadian Chartered Bank or other financial institution acceptable to the Bank of Canada

FORM No. 21-21

Declaration of Transmission

IN THE MATTER OF THE ESTATE OF

JOHN DOE

(Name as shown in Letters Probate or Administration)

late of Edmonton, in the Province of Alberta

Deceased.

I ~~/~~ Margaret Doe of the City of Edmonton, in the Province

(Full name(s) and address(es) of Executor(s) or Administrator(s).

of Alberta

DO (SEVERALLY) SOLEMNLY DECLARE:

Strike out words not applicable

1. THAT I ~~are~~ am (am, are) ~~(all of the)~~ (the sole) Executor~~(s) Administrator(s)~~ of the said deceased.

2. THAT the said John Doe died at

Edmonton, Alberta on the Twenty-fifth

day of July, 19 76, testate ~~intestate~~ and at the date of h is death

was domiciled in the Province of Alberta

3. THAT (Letters Probate of the last Will and Testament) ~~(Letters of Administration with Will Annexed or Letters of Administration to the Estate)~~ of the deceased were granted to the declarant(s)

on the Twenty-second day of October 1976, by the Surrogate

Court of Alberta, Judicial District of Edmonton

(Full name of Court)

4. THAT there are registered in the name of John S. Doe

(Fill in the name as stated on face of certificate(s))

on the books of Alberta Gas Trunk Line

(Full name of Company)

Company 200 common shares of its

(Number and class of shares)

Capital Stock, represented by certificate(s) numbered 1234 (1 X 200)

5. THAT the said John Doe and

(Full name of deceased)

John S. Doe named in the said certificate(s) was

(Name on certificate(s))

one and the same person.

6. THAT the said deceased was not at the time of his death nor is h is Estate now indebted to any person, firm or corporation residing or having its chief place of business in the Province of

Strike out if Letters of Administration or Probate issued in Province where transmission required.

Alberta

7. THAT the aforementioned certificate(s) were at the date of death of the deceased physically situate

at Edmonton, Alberta

(Insert full particulars as to actual situs of shares at date of death)

and owned by the said deceased.

Strike out words not applicable

8. THAT by virtue of the foregoing the said shares have devolved upon and become vested in the declarant(s) as Executor(s) ~~Administrator(s)~~ as aforesaid who desire(s) to have the same recorded in the name(s) of the Executor(s) ~~Administrator(s)~~ as aforesaid upon the books of the said Company.

AND THEN

transferred to "Beneficiary's name"

the person(s) properly entitled by law to receive the shares.

AND I ~~WE~~ (severally) make this solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

(Severally) DECLARED before me at Edmonton

in the Province of Alberta

this First day of November 1976.

"Margaret Doe"

Margaret Doe

"James Commissioner"

A Commissioner for Oaths. Notary Public.

NOTE.—If it is desired to have the shares transferred to a party or parties other than the executors or administrators, the necessary endorsement, either on the reverse side of the stock certificate's or by separate stock power of attorney, must be executed by the said executors or administrators, and the signatures must be guaranteed to the satisfaction of the Transfer Agent.